

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 80001(u)(1)(B)3.

Specific Purpose:

The specific purpose of this section is to more accurately define the term "Universal Precautions."

Factual Basis:

This section is necessary to include in the definition of "Universal Precautions" the important conditions that would necessitate the wearing of gloves.

Section 80006(a)

Specific Purpose:

The specific purpose of this section is to correct a reference.

Factual Basis:

This section is necessary to correct a reference to Section 80001(u)(1) as providing the definition of an unlicensed community care facility. The definition of an unlicensed community care facility is given in Section 80001(u)(2).

Section 80061(b)(1)(B)

Specific Purpose:

The specific purpose of this section is to add clarification to the requirement of reporting client deaths.

Factual Basis:

This section is necessary to further specify policy regarding the conditions that require a client death to be reported.

#### Section 80065(f)(7)

##### Specific Purpose:

The specific purpose of this section is to require staff of an Adult Community Care Facility to be trained in "Universal Precautions."

##### Factual Basis:

This section is necessary to specify that staff must receive training in Universal Precautions. The addition of this section is consistent with the requirement for Universal Precautions set forth in the "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public Safety Workers" published by the Center for Disease Control and CAL/OSHA standards based on the California Code of Regulations, Title 8, Section 5193, Subchapter 7, Group 16, Article 109. This section requires employers to ensure that all employees with occupational exposure participate in a training program on Universal Precautions.

#### Section 80065(f)(7)(A)

##### Specific Purpose:

The specific purpose of this section is to add clarification of staff training on Universal Precautions.

##### Factual Basis:

This section is necessary to specify where staff training in Universal Precautions may be provided. This language is being relocated from Section 80092.7(a)(5)(B) for ease of use. The adoption of this section is necessary to clarify where staff training in Universal Precautions can be obtained for staff who provide care for clients with serious communicable infections.

#### Section 80068.3(a)

##### Specific Purpose:

The specific purpose of this section is clarification and for ease of use.

##### Factual Basis:

This section is necessary for clarity. Reference to other regulation sections is repealed to eliminate unnecessary redundancy.

#### Section 80071(a)(1)

##### Specific Purpose:

The specific purpose of this section is to clarify that in addition to being available, the register must be copied, upon request, for licensing staff.

##### Factual Basis:

This section is necessary to clarify the requirement that licensees provide a copy of the register to licensing staff, upon request, and to eliminate confusing language.

#### Section 80071(a)(1)(D)2.

##### Specific Purpose:

The specific purpose of this section is to clarify that the client's restricted health condition(s) shall be maintained as part of the register.

##### Factual Basis:

This section is necessary to eliminate any confusion that the client's restricted health condition(s) shall be maintained as part of the register, even if it is kept in a separate client register as allowed in Section 80071(a)(1)(D)1..

#### Sections 80075(a)

##### Specific Purpose/Factual Basis:

The specific purpose of this section is to combine Sections 80075(a), (a)(1), and (a)(1)(A) to provide clarity and ease of use.

#### Section 80075(b)

##### Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a grammatical error and to renumber Section 80075(a)(2) to Section 80075(b) for numerical consistency.

Section 80075(b)(1)

Specific Purpose/Factual Basis:

The specific purpose of this section is to clarify who can assist clients with metered-dose inhalers and that this requirement is for Adult Community Care Facilities only. It is renumbered from Section 80075(a)(2)(A) for numerical consistency.

Section 80075(b)(1)(A)

Specific Purpose/Factual Basis:

The specific purpose of this section is to specify in which facilities staff training must be provided by a licensed professional. This section is necessary to clarify that staff in adult residential facilities and social rehabilitation facilities must receive training from a licensed professional.

Section 80075(b)(1)(A)1.

Specific Purpose/Factual Basis:

The specific purpose of this section is to clarify documentation requirements. Section 80075(a)(2)(A)1. is renumbered to Section 80075(b)(1)(A)1. for numerical consistency.

Section 80075(b)(1)(B)

Specific Purpose:

The specific purpose of this section is to provide clarity, repeal a reference, and for consistency of numeration.

Factual Basis:

This section is necessary to clearly state requirements for staff training received from other than a licensed professional and for numerical consistency. Section 80075(a)(2)(B) has been renumbered to Section 80075(b)(1)(B) for numerical consistency. The references to Sections 80075(a)(2)(A)1. and 2. are repealed to avoid redundancy.

Sections 80075(b)(1)(B)1., 2., and (b)(1)(C)

Specific Purpose:

The specific purpose of these sections is to provide clarity and consistency.

Factual Basis:

These sections are necessary to clarify existing requirements for adult day care staff who have been trained by the client's family or primary caregiver and how often the performance of these staff should be reviewed. It further clarifies how this training should be documented.

Sections 80075(b)(2) through (d)

Specific Purpose/Factual Basis:

The specific purpose of these sections is to renumber Sections 80075(a)(2)(C) through (g) to Sections 80075(b)(2) through (d) for numerical consistency.

Section 80075(e)

Specific Purpose:

The specific purpose of this section is to specify that this section applies to adult CCFs and to provide clarity and consistency.

Factual Basis:

This section is necessary to clarify that this section applies to adult CCFs. Section 80075(h) is renumbered to Section 80075(e) for numerical consistency.

Section 80075(e)(1)(A)

Specific Purpose/Factual Basis:

The specific purpose of this section is to specify the licensees' responsibilities for training staff to operate equipment related to oxygen equipment. Reference to ARFs and SRFs (adult CCFs) was repealed because it is now specified in Section 80075(e). Section 80075(h)(1)(A) is being renumbered to Section 80075(e)(1)(A) for numerical consistency.

Section 80075(e)(1)(A)1.

Specific Purpose/Factual Basis:

The specific purpose of this section is to clarify the existing requirements for staff training by referencing Sections 80075(b)(1)(A) through (C) that specify those requirements. Section 80075(h)(1)(A)1. is being renumbered to Section 80075(e)(1)(A)1. for numerical consistency. Sections 80075(h)(1)(A)2., (h)(1)(B) and (h)(1)(B)1. are being repealed to avoid redundancy, since this information is now centrally located in Sections 80075(b)(1)(A) through (C).

Section 80075(e)(2)(E)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a grammatical error. This amendment is necessary for clarity.

Sections 80077.2(b)(2)(G) through (b)(2)(G)1.

Specific Purpose/Factual Basis:

The specific purpose of this section is to clarify the existing requirement for staff training through reorganization of the information. Section 80077.2(b)(2)(G) is renumbered to Sections 80077.2(b)(2)(G) and (b)(2)(G)1. for numerical consistency.

Section 80077.2(b)(2)(G)2.

Specific Purpose/Factual Basis:

The specific purpose of this section is to clarify the existing requirement for staff training through reorganization of the information. It includes language from Section 80077.2(b)(2)(G)1.. This amendment is necessary for ease of use and clarification.

Section 80077.2(b)(2)(G)3.

Specific Purpose/Factual Basis:

The specific purpose of this section is to clarify staff training requirements by referencing the section that specifies the existing staff training requirements. This amendment is necessary for ease of use and clarification.

Section 80077.2(b)(2)(H)

Specific Purpose:

The specific purpose of this section is to repeal redundant language and clarify where required information is to be kept.

Factual Basis:

This section is necessary to clarify which agencies shall sign an agreement to review the client's care at least once a month. Language is added to require that a copy of this agreement shall be maintained in the client's file.

Section 80077.2(d)

Specific Purpose/Factual Basis:

The specific purpose of this section is to repeal language that is redundant.

Section 80077.3(a)(2)

Specific Purpose:

The specific purpose of this section is to repeal confusing references.

Factual Basis:

This section is necessary because the reference to Title 22, Division 6, Chapter 8, Residential Care Facilities for the Elderly (RCFEs), Sections 87101(d)(2) and 87724(e) makes regulations difficult to use. The reference to Section 87101(d)(2) is repealed since it is redundant. The term "Delayed-Egress Device" is already defined in Section 80001(d)(3). The reference to Section 87724(e) is repealed since that language is added in Sections 80077.3(a) through (a)(3)(F). This amendment is necessary for ease of use.

Sections 80077.3(a)(3) through (a)(3)(G)

Specific Purpose:

The specific purpose of these sections is to add language from Title 22, Division 6, Chapter 8, Residential Care Facilities for the Elderly regarding delayed-egress devices for clarification and ease of use.

Factual Basis:

This section is necessary because current regulation requires licensees of Community Care Facilities who want to use delayed-egress devices to comply with Section 87724(e) of Title 22, Division 6, Chapter 8, Residential Care Facilities for the Elderly. This section duplicates the language from Sections 87724(e) through (e)(7) for ease of use.

Section 80077.4(b)(5)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a grammatical error. This amendment is necessary for clarity.

Section 80087(d)

Specific Purpose:

The specific purpose of this section is to limit the requirement for an isolation room to Adult Day Care Facilities and Adult Day Support Centers.

Factual Basis:

This section is necessary because field offices have reported that enforcement of this requirement is problematic and unnecessary in residential facilities. Requiring rooms or areas designated for ill clients in residential settings implies that a client should be removed from their usual room when ill and the specific conditions and duration are not addressed. The requirement is therefore repealed for residential settings.

Section 80087(h)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a grammatical error. This amendment is necessary for clarity.

Section 80087(i)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct an error in reference. This section is necessary because the current reference is to an unrelated subsection and is amended to correct that reference.



## Article 8 (Incidental Medical Services)

### Specific Purpose:

The specific purpose of this amendment is for clarity and ease of use.

### Factual Basis:

This amendment is necessary to change the existing title of Article 8 to eliminate confusion with Section 80075 of the same name. The new title of Article 8, Incidental Medical Services, is a term commonly used to describe the issues addressed in current regulation under Article 8.

## Section 80090(a)

### Specific Purpose/Factual Basis:

The specific purpose of this section is to repeal redundant language. This section is necessary to repeal language that restates the existing requirement for licensees to comply with applicable regulation.

## Section 80090(c)

### Specific Purpose:

The specific purpose of this amendment is to repeal the existing specific referral to Adult Residential Facilities and Social Rehabilitation Facilities in granting exceptions for health conditions not listed in Section 80092.

### Factual Basis:

This section is necessary because unlisted health conditions can be admitted to any facility category on a case by case basis providing certain conditions are met and the health and safety of the client are not jeopardized.

## Sections 80092.1(f) through (f)(1)

### Specific Purpose/Factual Basis:

The specific purpose of these sections is to reorganize language previously in Section 80092.1(f) into Sections 80092.1(f) and (f)(1) for ease of use.

Section 80092.1(f)(2)

Specific Purpose/ Factual Basis:

The specific purpose of this section is to renumber Section 80092.1(g) to Section 80092.1(f)(2) for numerical consistency and for clarification. This section is amended to repeal language that is redundant.

Section 80092.1(g)(2) [Repealed]

Specific Purpose/Factual Basis:

The specific purpose of this section is to repeal language that has been revised and adopted as new language in new Section 80092.1(g). This repeal is necessary to avoid redundancy.

Section 80092.1(f)(2)(A)

Specific Purpose/Factual Basis:

The specific purpose of this section is to reorganize existing language for ease of use. Section 80092.1(g)(3) is renumbered to Section 80091.1(f)(2)(A) for numerical consistency.

Section 80092.1(g)

Specific Purpose/Factual Basis:

The specific purpose of this section is to clarify what training all new facility staff who will participate in meeting the client's specialized care needs must have prior to providing services to the client. This amendment is necessary for ease of use and clarification.

Section 80092.1(h)

Specific Purpose/Factual Basis:

The specific purpose of this section is to repeal confusing, redundant language. This amendment is necessary for ease of use.

Section 80092.1(j)

Specific Purpose/Factual Basis:

The specific purpose of this section is to renumber Section 80092.1(g)(1) to Section 80092.1(j) for numerical consistency. This section is amended for clarification and ease of use.

Sections 80092.1(k) through (k)(2)

#### Specific Purpose:

The specific purpose of these sections is to identify requirements regarding documentation and staff performance review for specific health conditions in one section of the regulations. The requirement for documentation on staff training and on staff performance review for restricted health conditions was previously repeated in each of the restricted health condition sections (Sections 80092.3(a)(3)(B)1. and 2., 80092.4(a)(5)(B)1. and 2., 80092.6(a)(4)(A) and (B), 80092.7(a)(3)(A)1. through 3., 80092.8(a)(2)(A)3. and 4., 80092.9(a)(3)(A)2. and 3., 80092.10(a)(4)(B) and (C), and 80092.11(a)(4)(B) and (C)). These sections take the place of information previously given in the above-mentioned sections and centralizes the information.

#### Factual Basis:

These sections are necessary to place the requirements for documentation on staff training and staff performance review for restricted health conditions in a single and appropriate section of the regulations to eliminate redundancy.

#### Section 80092.1(l)

##### Specific Purpose/Factual Basis:

The specific purpose of this section is to reorganize existing language for clarity and ease of use. Section 80092.1(g)(4) is renumbered to Section 80092.1(l) for numerical consistency.

#### Sections 80092.1(m) through 80092.1(r)

##### Specific Purpose/Factual Basis:

The specific purpose of these sections is to renumber Sections 80092.1(j) through (o) to Sections 80092.1(m) through 80092.1(r). These amendments are necessary for numerical consistency.

#### Section 80092.2(a)

##### Specific Purpose:

The specific purpose of this section is to clarify that adult day programs do not have to develop a Restricted Health Condition Care Plan (RHCCP) but may use a copy of the RHCCP developed in the residential setting to meet the regulation requirement.

Factual Basis:

This section is necessary because once the RHCCP is developed in the residential setting, it provides the basis for meeting the client's needs. The development of a totally new RHCCP by the day program would be redundant.

Section 80092.2(a)(1)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a grammatical error. This amendment is necessary for clarification.

Section 80092.2(a)(2)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a grammatical error. This amendment is necessary for clarification.

Sections 80092.3(a)(3)(B) through (a)(3)(B)2.

Specific Purpose:

The specific purpose of these sections is to repeal the words "supervision and" from the phrase "supervision and training from a licensed professional", to add a reference to Sections 80092.1(k) through (k)(2), and to repeal Sections 80092.3(a)(3)(B)1. and 2..

Factual Basis:

These sections are necessary because the phrase "supervision and training from a licensed professional" has been identified as an unreasonable requirement that cannot be measured for compliance purposes. These sections also add a reference to Sections 80092.1(k) through (k)(2) which contain the information previously found in Sections 80092.3(a)(3)(B)1. and 2.. Sections 80092.3(a)(3)(B)1. and 2. are repealed to avoid redundancy.

Section 80092.4(a)(2)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a grammatical error. This amendment is necessary for clarification.

Section 80092.4(a)(5)(A)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a grammatical error. This amendment is necessary for clarification.

Sections 80092.4(a)(5)(B) through (a)(5)(B)2.

Specific Purpose:

The specific purpose of these sections is to repeal words "supervision and" from the phrase "supervision and training from a licensed professional", to add a reference to Sections 80092.1(k) through (k)(2), and to repeal Sections 80092.3(a)(5)(B)1. and 2..

Factual Basis:

These sections are necessary because the phrase "supervision from a licensed professional" has been identified as an unreasonable requirement that cannot be measured for compliance purposes. These sections also add a reference to Sections 80092.1(k) through (k)(2) which contain the language previously found in Sections 80092.4(a)(5)(B)1. and 2.. Sections 80092.4(a)(5)(B)1. and 2. are repealed to avoid redundancy.

Sections 80092.6(a)(4) through (a)(4)(B)

Specific Purpose:

The specific purpose of these sections is to repeal the words "supervision and" from the phrase "supervision and training from a licensed professional", to add a reference to Sections 80092.1(k) through (k)(2), and to repeal Sections 80092.3(a)(4)(A) and (B).

Factual Basis:

These sections are necessary because the phrase "supervision from a licensed professional" has been identified as an unreasonable requirement that cannot be measured for compliance purposes. These sections also add a reference to Sections 80092.1(k) through (k)(2) which contain the language previously found in Sections 80092.6(a)(4)(A) and (B). Sections 80092.6(a)(4)(A) and (B) are repealed to avoid redundancy.

Section 80092.6(a)(5)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a reference error. This amendment is necessary for clarity.

Section 80092.7(a)

Specific Purpose:

The specific purpose of this section is to repeal the phrase "the condition is being medically managed and if."

Factual Basis:

This section is necessary because the phrase " the condition is being medically managed and if" has unclear meaning and is removed for clarification.

Sections 80092.7(a)(3)(A) through (a)(3)(A)3.

Specific Purpose/Factual Basis:

The specific purpose of these sections is to combine language from existing Section 80092.7(a)(3)(A) and existing Section 80092.7(a)(3)(A)(1). These sections also add a reference to Sections 80092.1(k) through (k)(2) which contain the information previously found in Sections 80092.7(a)(3)(A)1. through 3.. Sections 80092.7(a)(3)(A)1. through 3. are repealed to avoid redundancy.

Section 80092.7(a)(4)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct grammatical errors. This amendment is necessary to provide clarification.

Section 80092.7(a)(5)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct grammatical errors and incorporates language from Section 80092.7(a)(5)(A). This amendment is necessary for clarification and consistency.

Sections 80092.7(a)(5)(A) and (B)

Specific Purpose/Factual Basis:

The specific purpose of these sections is to repeal language that is redundant for clarification and consistency.

Section 80092.8(a)(2)(A)1.

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct punctuation errors for clarification.

Sections 80092.8(a)(2)(A)2. through (a)(2)(A)4.

Specific Purpose:

The specific purpose of these sections is to repeal the words "supervision and" from the phrase "supervision and training from a licensed professional", to add a reference to Sections 80092.1(k) through (k)(2), and to repeal Sections 80092.8(a)(2)(A)3. and 4..

Factual Basis:

These sections are necessary because the phrase "supervision from a licensed professional" has been identified as an unreasonable requirement that cannot be measured for compliance purposes. These sections also add a reference to Sections 80092.1(k) through (k)(2) which contain the information previously found in Sections 80092.8(a)(2)(A)3. and 4.. Sections 80092.8(a)(2)(A)3. and 4. are repealed to avoid redundancy.

Sections 80092.8(a)(2)(A)3. through 5.

Specific Purpose/Factual Basis:

The specific purpose of these sections is to correct a grammatical error. Sections 80092.8(a)(2)(A)5. through 7. are renumbered to Sections 80092.8(a)(2)(A)3. through 5. for numerical consistency.

Section 80092.9(a)(2)

Specific Purpose:

The specific purpose of this section is to clarify that a licensed physician or a licensed professional designated by the physician must determine the "stage" of a client's dermal ulcer and expect the dermal ulcer to completely heal.

Factual Basis:

This section is necessary because current language addresses the "stage" of a dermal ulcer, but does not specify who can determine that "stage". The phrase "return to a normal state" was reported by field staff to be unclear to some licensees and facility staff.

Section 80092.9(a)(3)

Specific Purpose/Factual Basis:

The specific purpose of this section is to correct a grammatical error for clarification.

Sections 80092.9(a)(3)(A) through (a)(3)(A)3.

Specific Purpose/Factual Basis:

The specific purpose of these sections is to combine language from Section 80092.9(a)(3)(A) and Section 80092.9(a)(3)(A)(1). These sections also add a reference to Sections 80092.1(k) through (k)(2) which contain the information previously found in Sections 80092.9(a)(3)(A)2. and 3.. Sections 80092.9(a)(3)(A)2. and 3. are repealed to avoid redundancy.

Section 80092.9(a)(3)(B)

Specific Purpose/ Factual Basis:

The specific purpose of this section is to correct a grammatical error and add a reference to the requirements in Section 80075(b)(1)(B). This amendment is necessary for clarification and consistency.

Section 80092.9(a)(4)

Specific Purpose/ Factual Basis:

The specific purpose of this section is to correct grammatical errors for clarity and consistency.

Sections 80092.10(a)(4)(A) through (C)

Specific Purpose:

The specific purpose of these sections is to repeal the words "supervision and" from the phrase "supervision and training from a licensed professional".

Factual Basis:

These sections are necessary because the phrase "supervision from a licensed professional" has been identified as an unreasonable requirement that cannot be measured for compliance purposes. These sections also add a reference to Sections 80092.1(k) through (k)(2) which contain the information previously found in Sections 80092.10(a)(4)(B) and (C). Sections 80092.10(a)(4)(B) and (C) are repealed to avoid redundancy.



Section 80092.11(a)(2)

Specific Purpose/Factual Basis:

The specific purpose of this amendment is to clarify that stoma is the correct term for the part of the tracheostomy that heals. This amendment is necessary for clarity.

Section 80092.11(a)(2)(A)

Specific Purpose:

The specific purpose of this section is to organize requirements for ease of use. This section is renumbered and amended from Section 80092.11(a)(4)(A) for clarification and consistency.

Factual Basis:

The section is necessary to organize training requirements for tracheostomy care. The renumbering and amending of Section 80092.11(a)(4)(A) is necessary for clarification and consistency. This section also adds a reference to Sections 80092.1(k) through (k)(2) which give specific requirements for delegated care.

Section 80092.11(a)(2)(A)1.

Specific Purpose:

The specific purpose of this section is to specify that suctioning cannot be delegated to facility staff.

Factual Basis:

This section is necessary because during consultation with health care professionals, information was provided that there are different levels of suctioning that cannot be easily differentiated between for the purposes of CCLD regulations and that deep suctioning should not be done by other than a health care professional.

Sections 80092.11(a)(4)(B) and (a)(4)(C)

Specific Purpose/Factual Basis:

Sections 80092.11(a)(4)(B) and (a)(4)(C) are being repealed to avoid redundancy since this information is now centrally located in Sections 80092(k) through (k)(2).

Sections 80095 et seq.

Specific Purpose:

The specific purpose of these sections is to repeal language that is no longer applicable regarding specific clients with prohibited health conditions.

Factual Basis:

These sections are being repealed as they are no longer necessary. These sections contain information applicable to specific clients who were residing in a licensed facility prior to and up to six months after the adoption of these regulations on October 1, 1998. Since that timeframe has expired, this information is no longer necessary.

b) Identification of Documents Upon Which Department Is Relying

CCR, Title 8, Section 5193, Bloodborne Pathogens, Universal Precautions.

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17400, et. seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.